

Application Details	
Application Reference Numbers:	24/00793/FUL
Application Types:	Full application
Extension of Time:	Yes
Description:	Conversion of a range of traditional curtilage listed buildings into 5 dwellings
Site Address:	Land At Manor Farm, Kitchens Lane, Lopen, South Petherton, Somerset, TA13 5JP
Parish:	Lopen
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Stanley Norris
Agent:	Mrs Nicola Quick, Carter Jonas
Applicant:	Mr Charlie Field, Somerset Council
Reason for reporting application to Members:	This application is referred to the Somerset Council Area South Planning Committee as Somerset Council are the applicants.

Location plan





1. Recommendation

1.1 That the application be approved subject to conditions.

2. Executive Summary of key reasons for recommendation

- 2.1 The proposal would see the conversion of a number of existing redundant historic barns into 5 dwellings. The principal of conversion is supported and is considered to provide a viable reuse of the heritage assets that are currently empty and prone to dereliction without further investment, whilst helping to address the five-year shortfall of deliverable housing.
- 2.2 It is considered that the proposed development represents an appropriate conversion, utilising existing openings where possible and retaining the agrarian nature of the buildings, allowing the development to read as a former farmstead. Similarly, the wider redevelopment of the site would see the removal of further large agricultural buildings and therefore enhancing the setting of heritage assets. The Conservation Officer has been consulted and has raised no concerns subject to a number of conditions securing details.

3. Planning Obligations, conditions and informatives

3.1 Obligations

None required. A legal agreement will be required to secure the nutrient neutrality measures. However, as the Council is the applicant and will be disposing of the land, a Grampian condition will be imposed to secure the future developer to enter into a legal agreement.

3.2 Conditions

- 1) Standard time limit
- 2) Approved Plans
- 3) Conservation and Building Regulations
- 4) Roof Materials
- 5) Joinery Details
- 6) Rainwater Goods
- 7) Schedule of Works
- 8) Archaeology
- 9) Construction Environment Management Plan
- 10) Surface Water
- 11) Consolidation
- 12) Visibility
- 13) Parking
- 14) EVCP
- 15) Permitted Development Removal
- 16) Lighting
- 17) Bats
- 18) Bats
- 19) Birds
- 20) BEMP
- 21) Phosphates
- 22) Water Consumption
- 23) Landscaping

Full details of conditions are set out at the end of the report.

3.3 Informatives

- 1) Protected Species (Bats, Birds and Badgers)
- 2) Public Rights of Way
- 3) CIL

4 Proposed development, Site and Surroundings

- 4.1 Manor Farm is accessed via Kitchens Lane and is set on the western edge of the settlement of Lopen. The site includes the Grade 2 Listed Manor Farm (the farmhouse), a number of agricultural barns and surrounding land. Manor Farm Cottage which neighbours the Grade 2 Listed Farmhouse does not fall within the applicant's ownership.

- 4.2 The buildings have been used in the recent past for housing livestock, fodder and machinery up until the surrender of the agricultural tenancy in September 2023. The farm is now redundant.
- 4.3 The existing barns are not within any area of designation, i.e. Conservation Area nor National Landscape (formerly AONB) and the site is located within an area falling within a Flood Zone 1. However, owing to the relationship with Manor Farm, the older, more traditional barns are considered to be curtilage listed. As such, an application for Listed Building Consent has also been submitted.
- 4.4 Consent is sought for the conversion of the traditional barns immediately south of the farmhouse into five dwellings. These would provide 3 x 4-bedroom dwellings and 2 x 3-bedroom dwellings. It is noted that three of the properties would be set on a single level.
- 4.5 The proposal would see the provision of four parking spaces per dwelling, including an electric vehicle charging point.
- 4.6 It is noted that a number of modern agricultural buildings throughout the site have recently been demolished, whilst two have previously been granted consent for conversion under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5. Relevant Planning History

- 5.1 Application 24/00794/LBC is being considered concurrently.
- 5.2 24/00941/PAMB - Prior notification for change of use of agricultural building to 1no. dwellinghouse - Permitted with conditions
- 5.3 23/02752/PAMB - Prior Approval Notification for the change of use of an agricultural building to a dwellinghouse - Permitted with conditions.
- 5.4 22/03502/AGN - Notification of intent to erect an agricultural storage building - Permission not required.
- 5.5 07/03057/FUL - Erection of two agricultural buildings and the construction of a new dirty water system - Permitted with conditions.
- 5.6 07/03058/FUL - Erection of agricultural livestock building - Permitted with conditions

6. Habitat Regulations Assessment

- 6.1 As the competent authority, the Local Planning Authority is required by Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, to undertake an Appropriate Assessment of the

implications of the development in view of the Ramsar site's conservation objectives. The LPA may only agree to the proposal after having ascertained that it will not adversely affect the integrity of the Ramsar site.

- 6.2 A phosphate mitigation strategy has been submitted which highlights that in order to mitigate for the increase of 1.11kgP/yr, the applicants will upgrade a nearby septic tank to a PTP, and install dual flush toilets which will bring the water usage down from 150 to 120l/p/d.
- 6.3 The LPA has consulted with Somerset Ecology Services on the proposed mitigation strategy and their comments are included within this report. The LPA must have regard to these consultation responses in carrying out the Appropriate Assessment (Regulation 63(3)). In summary, Somerset Ecology Services has reviewed the applicants mitigation proposals and is satisfied with the approach and conclusions. SES has subsequently concluded through the Habitat Regulations Assessment that the Appropriate Assessment is passed. It is noted that Natural England also concur with the findings.
- 6.4 As such, subject to securing the implementation and maintenance of the mitigation strategy through planning conditions it is considered that the proposed development will not adversely effect on the integrity of the Ramsar Site (Regulation 63(5)).

7. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

7.1 Consultees

Consultees	Consultee Comments (and Officer Comment)
Lopen Parish Council:	<p>Support the granting of permission, making the following comments:</p> <ul style="list-style-type: none"> • Opportunity to provide quality dwellings on a brown-field site whilst making use of redundant farm buildings. • Done well (we support comments from conservation officer et al re preserving and enhancing the history), this should be an asset to Lopen • Net reduction in smells, flies, mess, mud, heavy traffic. <p>However, the Parish have raised the following comments:</p> <p>Parking: Parking for barns C,D & E is proposed as being separated from the main development (at the request of the conservation officer as we understand it). Purpose being to preserve the appearance of the historic barn. While we can understand the thinking behind it, two issues arise:</p>

1) If people are able to park closer to their property than the allocated parking space, they will – and the idea will fail. Not clear how this would be prevented in the short or longer term (landscaping, barriers, covenants?).

2) The result is a separate, stand-alone parking area for 12 vehicles that will create an incongruous concentration of cars and look like a car park on the edge of the village, visible at distance. We dislike this as it stands.

Suggestions:

- Maybe allocate one space per barn close to the barns with additional/overspill elsewhere?
- Parking area to comprise carports in the style of stables / cowshed more in keeping with ancient farm buildings than a car park (preferred).
- Breaking up of the parking area with landscaping/planting.

Drainage

We realise that this is complicated in planning terms by mixture of existing dwelling(s), 2 class Q barns and this 5-dwelling development, but in practical terms a single solution seems most sensible. It is stated that connection to mains drains is not practical, but the supporting map shows only a limited area. We presume that ultimate discharge from any package treatment plant(s) would be to the watercourse as the ground to the south of the site has heavy soil and is frequently waterlogged making it unsuitable as a drainage field. If this route is chosen we request that the consents and maintenance requirements are strongly conditioned for ongoing environmental protection.

We also note that the site is approx 700m east of Long Road WWTW and 400m west of Lopen sewage pumping station and the pipe linking the two must pass close to the site. Perhaps it might be possible to join this?

Local nuisance during construction phase.

Conversion/construction works on this site (and adjacent class Q barns) are likely to take a long time. Manor Farm Cottage is separate from this development, is occupied and located on site, immediately adjacent to the site access track. The owners/occupiers have commented separately and while they have no objection to the development in principle, they clearly and reasonably have concerns about disturbance during the construction phase. They have pointed out that the access track is in poor repair and will need some upgrading prior to construction commencing (Highways have commented separately on upgrading prior to occupation). They have also requested a limitation on working hours of deliveries and construction work carried out during normal working hours i.e. Monday to Friday 8.00am to 5.00 pm. LPC strongly support this request. LPC also point out that access routes to this site are either very narrow (Kitchens Lane) or have right-angled bends (Frog Street/Water Street), so delivery vehicle size will need to be limited. We would also like to see a requirement that all construction vehicles be parked on site and not on Kitchens Lane/Water Street/Water lane.

	<p>Power supply - not strictly a planning matter, but just want it on the record that some concerns have been expressed by nearby residents that the local power network is already overstretched / failure prone and this (especially EV charging points) could make matters worse. Assume local grid will be upgraded if required.</p>
<p>Officer Comment: The comments in relation to the parking, drainage and construction are noted and will be further discusses below/secured by condition.</p>	
<p>Somerset Council Highways:</p>	<p>No objection to the development subject to a series of recommended conditions.</p>
<p>Officer Comment: The recommended conditions will be imposed on any planning permission granted, including a CEMP.</p>	
<p>South West Heritage Trust (Archaeology)</p>	<p>The site is recorded on the Somerset HER as being the likely centre of the medieval Temple Lopen estate dating back to at least 1312AD. Although there has been historical and recent developments on the site, there is potential for surviving medieval archaeology on the site and this proposal is likely to reveal, and impact any remains.</p> <p>For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 211). This should be secured by the use of the following conditions attached to any permission granted.</p> <p>"Programme of Works in Accordance with a Written Scheme of Investigation (POW) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."</p>
<p>Officer Comment: The recommended conditions will be imposed on any planning permission granted.</p>	
<p>Somerset Ecology Services - Phosphates</p>	<p>To mitigate for the increase of 1.11kgP/yr, the applicants will upgrade a nearby septic tank to a PTP, and install dual flush toilets which will bring the water usage down from 150 to 120l/p/d. This is acceptable as long as it can be secured. My understanding is that we will need to attach a Grampian condition (or Arsenal condition) to the planning permission which prevents a planning permission from being implemented until a s.106 Agreement is entered into which binds the freehold of the whole site. .A "ghost s.106 deed" will then be prepared and attached to the permission. This is because the council is the applicant and we cannot enter into a s.106 with ourselves.</p>

Based on the above, SES conclude that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation (confirmed by Somerset Ecology Services adoption letter as attached) subject to the following Section 106's & Conditions being secured:

Please note: I have included details of what needs to be secured via the s.106, but the wording can be changed as required. I am not sure if we need to include anything else in the Grampian Condition as this is not our standard approach to securing Nutrient Neutrality measures.

Grampian Condition

No occupation shall commence until a Section 106 agreement is in place which will secure the following:

- Provision of evidence that the PTP being used for mitigation has been installed, and the existing septic tank has been decommissioned, prior to occupation of the development, as detailed in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by Halpin Robbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by Halpin Robbins, 09 October 2024.
- Provision of a management and monitoring plan for the PTP being used as mitigation – this should show that the PTP will be maintained in perpetuity (80-125years)
- Provision of evidence that the PTP(s) being installed to serve the development is installed as detailed in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by HalpinRobbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by HalpinRobbins, 09 October 2024.
- Provision of a management and monitoring plan for the PTP(s) being installed to serve the development - this should show that the PTP(s) will be maintained in perpetuity (80-125years)
- Provision of an implementation, management and monitoring plan for the water saving devices being installed in the Farmhouse to ensure that the water usage is brought down to 120l/p/d, as described in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by HalpinRobbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by HalpinRobbins, 09 October 2024. This should show that the water saving devices will be maintained in perpetuity (80-125years) and replaced when needed.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity and Chapter 15 of the National Planning Policy Framework.

	<p>Standard Water Usage – Condition</p> <p>The dwellings hereby approved shall not be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.</p> <p>Reason: To improve the sustainability of the dwellings in accordance with Chapter 15 of the National Planning Policy Framework.</p>
<p>Officer Comment: The recommended conditions will be imposed on any planning permission granted.</p>	
<p>Somerset Ecology Services - Protected Species</p>	<p>The Quantock Ecology reports confirmed that buildings 5 (as labelled in the report) is being used by bats to roost. As such, a NE licence will be required for works to this building. Breeding birds were also found to be using the buildings, which means that the works should only take place outside of breeding bird season.</p> <p>A series of conditions have been requested.</p>
<p>Officer Comment: The recommended conditions will be imposed on any planning permission granted.</p>	
<p>Somerset Council Conservation Officer</p>	<p>The Heritage statement is very well presented and has considered the evidential and archaeological significance of the entire site and the familiar history associated to the site. The supporting information has used map regression and research to set the scene for the as found condition and extant use of the site without any need for supposition or conjectural assumption that could influence a decision. A factual and well considered assessment.</p> <p>The assessment of the curtilage protection of the immediate barns is accepted and that Barn A technically falls out of curtilage protection in relation to the guidance but does have potential to impact the setting to the collection of listed buildings if handled inappropriately with both retained materials or if materials are brought in that are considered to be of a modern appearance or texture. The development of this site and the conversion to residential is a positive potential future for this historically significant estate. The principal of conversion is supported as this provides a protected and useful use of the listed buildings that are currently empty and prone to dereliction.</p> <p>The planning officer will need to assess the potential for over development and space standards to ensure that the living accommodation is appropriate and that sufficient communal and private amenity space is afforded to each dwelling together with the usual and required space for vehicles and parking. The information appears to be lacking in this area or they may appear within the full planning application. However the new use of such an important set of listed buildings does carry some weight to offset or balance the usual assessment and my advice would be to assume a light touch on space standards to ensure that the site is enabled with a future that secures the historic significance and brings this forward through appropriate textures and traditional locally sourced materials.</p>

The structural assessment appears to quite robust yet does lack some details that would usually fall into a specification of works-this will form part of the conditional support together with a complete whole house understanding of exactly what building regulations will be applied to exactly where within the listed buildings. This is to ensure that the thermal mass and permeability of the solid walls are not excluded or isolated from the accommodation through the intervention of non-permeable materials. The risk of incorporating tanking materials that ignore or isolate the thermal mass of the original from processing vapour and air in the way they have always performed could bring about interstitial condensation contamination to the embedded historic timbers, joist ends, roof structure to be retained. If consent is awarded, please add the below conditions to any decision notices.

Prior to work commencing, the details of works required under building regulations that have potential to restrict permeability of original fabric, increase the risk of interstitial condensation or embed original features behind modern materials are to be submitted and agreed in writing by the local planning authority. Once approved, the development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition as inadequate details of these matters have been submitted with the application to assess the implications of works required under building regulations. The condition ensures the suitability of such works and that they preserve the special architectural and historic interest of the listed building.

It is anticipated that the external materials will be selected to match or re use original materials salvaged from the existing buildings and bolstered with reclaimed materials to match if insufficient original material are available on site. The below condition should be applied to the historic barn conversions:

Before the new roof(s) hereby approved is/are installed, samples or detailed specifications of the new roof tiles/slates, which shall be natural clay non-interlocking pantiles/natural slates/plain clay tiles/rosemary tiles, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building.

Before the roof lights, windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the

	<p>works preserve the special architectural and historic interest of the listed building.</p> <p>Before the rainwater goods hereby granted consent are installed, samples or detailed specifications of all rainwater goods (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed rainwater goods details. Reason: To preserve the special architectural and historic interest of the listed building.</p> <p>There is understandably a lack of detail relating to how the converted farmyard will be managed in relation to the conservation of external appearances that, if managed poorly could bring about external appearance alterations that could be harmful if not controlled by condition. The below seeks to manage this risk Schedule of works.</p> <p>Prior to the commencement of works, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works which comprehensively addresses the conserving of original textures, mortars retained and external appearance. Reason: To preserve the special architectural and historic interest of the listed building.</p>
<p>Officer Comment: The recommended conditions will be imposed on any planning permission granted.</p>	
<p>Society for the Protection of Ancient Buildings (SPAB)</p>	<p>Map regression provided within the Heritage Statement (HS) shows that four of the buildings proposed for conversion had been constructed by 1838, but the buildings may be much older. This would have a bearing on their significance. Nonetheless, the HS does allow an understanding of the existing arrangement, which includes a number of unsympathetic alterations to the historic barns at Manor Farm. In principle, we do not object to the conversion of these barns to residential use. However, in order to safeguard the significance of the historic buildings at Manor Farm any conversion should be executed with sensitivity and follow a conservation-led approach.</p> <p>Unfortunately, the application presently lacks detail, particularly regarding changes to historic fabric, and it does not include a satisfactory impact assessment. The application therefore fails to satisfy paragraph 200 of the National Planning Policy Framework (NPPF), which requires applicants 'to describe the significance of any heritage assets affected' by proposals. Resultantly, we are unable to support the application.</p> <p>Your Conservation Officer has identified specific items which require additional information. We do not intend to repeat those concerns but we are able to support them. In addition, we suggest the applicant is asked to provide further detail regarding the historic fabric affected by the</p>

	<p>proposals. A revised HS should then be prepared, which should contain a thorough impact assessment considering this additional detail.</p> <p>Without this, we cannot be confident that the proposals are conservation-led, and that they have been devised to give 'great weight' to the assets' conservation, as required by paragraph 205 of the NPPF. Consequently, if the additional information identified is not forthcoming, we recommend that the application be refused.</p>
<p>Officer Comment: Whilst the concerns raised by SPAB are noted, great weight is given to the views of the Somerset Council Conservation Officer and the conditions recommended will be imposed in the event that permission is granted.</p>	
<p>The Council for British Archaeology</p>	<p>We note that the structures proposed for conversion are in need of a sustainable use to ensure their long-term conservation and do not object to the principle of conversion to domestic use.</p> <p>The Heritage Statement and Structural Survey permit an understanding of the buildings' significance and current state of repair. Despite some unsympathetic later alterations, they have clear evidential and historic value as traditional agricultural structures with legible former uses; these illustrate the development of the farmstead and of local agricultural practices more broadly. They make a positive contribution to the setting of the Grade II listed Manor Farmhouse, which could be enhanced through a sensitive scheme of conversion.</p> <p>Unfortunately, the Heritage Statement does not address the impacts of the proposed works. In order to ensure that the proposed conversion is undertaken with a conservation-led methodology which will avoid any inadvertent harm to the farmstead, we request that additional information is provided on the proposed works. In particular, the CBA are concerned that significant areas of surviving historic fabric should be retained, that the historic uses of the buildings should remain legible, and that a suitable materials palette should be used. Any insulation and lining materials should be suitable for historic buildings to avoid long-term fabric deterioration. The applicants may wish to refer to Historic England's guidance on Adapting Traditional Farm Buildings: https://historicengland.org.uk/images-books/publications/adapting-traditional-farm-buildings/</p> <p>Unless additional information is provided which allows us to fully understand the impacts of the proposed works, we recommend that this application be refused, as it does not meet the requirements of paras. 200 and 205 of the NPPF.</p>
<p>Officer Comment: Whilst the concerns raised by SPAB are noted, great weight is given to the views of the Somerset Council Conservation Officer and the conditions recommended will be imposed in the event that permission is granted.</p>	
<p>Somerset Council Public Rights of Way</p>	<p>No objections subject to the inclusion of an informative.</p>
<p>Officer Comment: The requested informative will included.</p>	

Local consultation and representation

7.2 In accordance with the Council's Adopted Statement of Community Involvement application 24/00793/FUL was publicised by letters of notification to six neighbouring properties sent on 26.04.2024. A site notice was also displayed as part of the initial consultation.

7.3 Two representations (neither supporting nor objecting) have been received, making the following comments.

- I. 'I'd like to ensure that this floodplain will have appropriate drainage if anything is built here. Maybe create a "family" space utilising the small brook.
- II. My other concern is the wildlife and conservation thereof. I know there is at least one family of fox that live in the southwest corner of the farm. What about bats? Owls?
- III. Though we have no objection to the actual planning application, are concerned about access to the site. The existing access to the Farm Buildings is via a soil track with large potholes that currently fill with rainwater. This track would in our view need to be upgraded to a normal road surface to allow contractors traffic during the development and for the incoming residents vehicles on completion.
- IV. As the access to the front of our property borders and is off this existing track, to mitigate noise and nuisance with the proposed future development and construction, this would need to be sensitive to our location, with deliveries and construction work carried out during normal working hours i.e. Monday to Friday 8.00am to 5.00 pm.

8. Relevant planning policies and Guidance

- 8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The site lies in the former South Somerset area. For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South

Somerset Local Plan 2006 2028 (adopted March 2015), saved policies from the South Somerset Local Plan 1991-2011, Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

8.3 Relevant policies in the assessment of this application are listed below:

Policies of the South Somerset Local Plan

Policy SD1: Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ3 – Historic Environment

Policy EQ4 - Biodiversity Policy

Policy TA1 - Low Carbon Travel

Policy HG8 - Replacement Dwellings in the Countryside

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

The National Planning Policy Framework 2024

The revised National Planning Policy Framework (NPPF), last update December 2024 sets the Government's planning policies for England and how these are expected to be applied. Relevant Chapters of the NPPF include:

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 6 - Building a Strong Competitive Economy

Chapter 9 - Promoting Sustainable Transport

Chapter 11 - Making Effective Use of Land

Chapter 12 - Achieving Well-Designed Places

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990

Local planning authorities have a statutory duty to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses," under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

Placemaking Principles for Somerset (October 2024)

The Council's Placemaking Principles were adopted in October 2024 following public consultation and are a material planning consideration.

These principles set the Council's vision to create attractive, high quality environments that are inclusive and accessible for all. The principles guide the Council's approach to transport and development planning, aiming to enhance the quality of life for residents by promoting active travel, reducing carbon footprints, and fostering community pride.

The 10 Principles are: -

1. Reduce the need to travel via private car.
2. Facilitate modal shift through multi-modal travel measures.
3. Integrate car and bicycle parking in a way that prioritises pedestrians and public realm.
4. Create an attractive, high-quality environment, incorporating green infrastructure into streets and public spaces.
5. Improve road safety for all users through street design, appropriate to the context.
6. Facilitate car-free school transport
7. Enhance accessibility and attractiveness through materials, street furniture and fixtures.
8. Plan lighting, waste storage/collection and other service infrastructure at an early design stage.
9. Provide safe connectivity within rural communities.
10. Engage key stakeholders early

Other Relevant Documents

National Planning Policy Guidance

Somerset County Council Parking Strategy.

Somerset Highways Standing Advice V3.

9. Commentary on Development Plan

- 9.1 The Council published a Five-year Housing Land Supply 2024-2029 for the former South Somerset area in September 2024. This shows it cannot demonstrate a 5YHLS. A situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation.
- 9.2 The Council therefore acknowledges that this means that the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.
- 9.3 The lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration and any recommendation will need to be made in the context of paragraph 11 d) of the NPPF having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply.

- 9.4 A revised NPPF was published on December 12, 2024. The new NPPF is therefore material to the consideration of this application. It is acknowledged that all consultation responses which reference NPPF policies are the chapters within the 2023 framework.
- 9.5 Amongst other changes, the new NPPF mandates an immediate change to the standard method for calculating the housing requirement for Somerset and its constituent former Districts.

10. Local Finance Considerations

- 10.1 This development would be liable for Community Infrastructure Levy.

11. Material Planning Considerations

- 11.1 The main planning issues relevant in the assessment of this application are as follows:
- Principle of Development
 - Visual Impact/Heritage
 - Residential Amenity
 - Highway Safety
 - Drainage and Flood Risk
 - Ecology and Phosphates

Principle of Development

- 11.2 The Council is required to decide in line with the Development Plan, unless material considerations indicate otherwise (Section 38(6), Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990). The NPPF is a key material planning consideration. In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. Paragraph 83 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 11.3 Furthermore, paragraph 84 advises that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a certain set of circumstances are met. Such circumstances include:
- (i) there being an essential need for rural workers;*

- (ii) enabling development to secure the future of heritage assets;**
- (iii) re-using redundant or disused buildings;**
- (iv) subdivision of an existing dwelling; or*
- (v) the design of the new dwelling is of exceptional quality.*

Points ii and iii are considered somewhat relevant to the proposal.

- 11.4 However, it is acknowledged that the site lies within the settlement of Lopen and is not considered to be an isolated home in the countryside. The South Somerset Local Plan does not have any policies relating to the conversion of barns.
- 11.5 Policy SD1 of the Local Plan recognises that, when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 11.6 Policy SS1 highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which Policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)". Policy SS5 seeks to restrict the distribution of housing in accordance with Policy SS1.
- 11.7 The application site is located within the small settlement of Lopen and under policy SS2 of the adopted local plan this settlement would be considered as part of the countryside. In order for the principle of residential development to be considered acceptable such proposals would need to meet the criteria set out by SS2. Policy SS2 states:
- 11.8 Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:
- I. Provides employment opportunities appropriate to the scale of the settlement; and/or
 - II. Creates or enhances community facilities and services to serve the settlement; and/or
 - III. Meets identified housing need, particularly for affordable housing.

- 11.9 Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans and should generally have the support of the local community following robust engagement and consultation.
- 11.10 Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services such as local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility and primary school.}
- 11.11 The proposal is contrary to that policy as it does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need.
- 11.12 However, as Planning South (formerly SSDC) cannot currently demonstrate a five-year supply of housing land elements of that policy must be considered out of date. As such, it is considered that the local planning authority cannot rely on that policy in regard to what the development must provide i.e. meeting an identified housing need. As such only limited weight can be applied to the requirements of Policy SS2 in the planning balance.
- 11.13 However, parts of Policy SS2 still accord with policies within NPPF. The policy requires development to be commensurate with the scale and character of the settlement and increase the sustainability in general. This proposal is for the conversion of five buildings into dwellings, the scale of which are considered to be acceptable within the context of the settlement. It is not considered that the development within this location would be of detriment to the character of the village and that it would be commensurate with the scale of the settlement. On this basis the proposal would satisfactorily reflect this aspect of policy SS2.
- 11.14 The requirement of Policy SS2 for housing development to only be permitted in rural settlements that have access to two or more key services accords with the requirement of NPPF for sustainable development. Lopen provides a church and reading room (village hall) whilst there is a public house (although operating primarily as a restaurant) and a farm shop further field.
- 11.15 In respect of housing need, no information has been provided regarding local need on the local housing register. However, as there is no deliverable five-year supply of housing, this requirement is no

longer applicable as the policy is considered out of date until a five year supply is both achievable, and deliverable.

- 11.16 National guidance contained within the NPPF sets out a presumption in favour of sustainable development. The NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The application site is considered to be in a sustainable area with a number of community facilities available to aid day to day living without having to rely on a car. The occupiers of the proposed dwelling would therefore contribute to the locality and may help retain the current facilities as additional customers.
- 11.17 The principle of residential development within the settlement must therefore be considered acceptable, subject, to the consideration of site-specific impacts.

Access and Highway Impacts

- 11.18 Somerset Council Highways have confirmed they have no objections to the proposed development, subject to the imposition of conditions relating to a Construction Environmental Management Plan, proposed access arrangements including consolidation, visibility splays, parking spaces, turning areas, the provision of EVCP's and drainage.
- 11.19 It is acknowledged that the proposal would provide four parking spaces per dwelling in line with the optimum standards, with an EVCP provided for each dwelling. The Parish Council in their response have raised concerns with the siting of the car parking, with the spaces provided for Barns C, D and E separated from the dwelling in which they will serve. Whilst this may be more inconvenient than having allocated parking directly adjoining the property, it is not considered that it would be sufficient reason to object to the development on highways grounds. It is considered that the Parish main concerns with this layout relate more to the visual impact which will be discussed further throughout this report.
- 11.20 The application is, therefore, capable of complying with policies TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Design, Landscape/Heritage Impact

- 11.13 Policy EQ2 of the Local Plan requires that "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district," that they should be "conserving and enhancing the landscape character of the area," and be "reinforcing local distinctiveness and respect local context."

- 11.14 The NPPF makes frequent reference to good design, and paragraph 135 states that planning decisions "should ensure that developments... are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping... and are sympathetic to local character and history...." Paragraph 139 requires that "development that is not well designed should be refused...."
- 11.15 It is considered that the design, appearance, scale, and layout of the proposed conversions would be acceptable and would generally seek to utilise the historic openings and thus maintaining the agrarian appearance.
- 11.16 A number of the modern agricultural buildings have already been removed from the site, however, there are further modern buildings proposed to be removed which will lead to an enhancement of the overall site and the setting of the Listed Building.
- 11.17 Concerns have been raised by the Parish Council regarding the visual impact of the proposed parking area to serve barns C,D and E. The current proposal would see this area separated from the barns and in the view of the Parish Council would lead to an 'incongruous concentration of cars and look like a car park on the edge of the village'. It is noted that the Parish Council have made a series of suggestions on how to overcome this such as the provision of garaging, the allocation of parking closer to the barns or planting.
- 11.18 It is considered that the separation of cars from the historic courtyard is favoured and will enable the site to be read as a former agricultural unit, whereas the provision of parking directly adjoining each dwelling could lead to an overly domestic layout and erode the historic setting.
- 11.19 The views of the Parish are noted regarding the creation of a carpark, however, a condition will be imposed to secure details of landscaping (both hard and soft) throughout the entirety of the development site to ensure that any impacts associated with the parking area can be mitigated to ensure that the proposal does not represent an unacceptable intrusion into the open countryside.
- 11.20 Notwithstanding the concerns of the Society for the Protection of Ancient Buildings and The Council for British Archaeology, the proposal is considered to represent a viable reuse of the barns, without adverse harm to the historic fabric or the setting of the Grade 2 Listed Farmhouse.
- 11.21 Therefore, in line with the Somerset Council Conservation Officer comments and subject to a number of conditions securing details, the proposal is to be considered in compliance with Policies EQ2 and EQ3

of the South Somerset Local Plan and relevant guidance within the NPPF 2024.

Ecology and Phosphates

- 11.22 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.
- 11.23 Given the nature of the site a Bat Emergence Survey and Preliminary Roost Appraisal have been carried out and form part of the application submission. Somerset Ecology Services have been consulted on the application and have not raised any objections, instead requesting a series of conditions be imposed in the event planning permission is granted. With the imposition of such conditions, it is considered that the proposal is compliant with Policy EQ4 of the South Somerset Local Plan.
- 11.24 The Ecologist has not made any comments in regards to the requirement to provide Biodiversity Net Gain in line with the recent legislative changes that came into force in April 2024. Nevertheless, the application predates this change and as such, BNG is not applicable.
- 11.25 The application site is located within the Somerset Levels and Moors Ramsar Site catchment area, which has suffered significant harm as a result of phosphate loadings in the District. A phosphate mitigation strategy has been submitted which highlights that in order to mitigate for the increase of 1.11kgP/yr, the applicants will upgrade a nearby septic tank to a PTP, and install dual flush toilets which will bring the water usage down from 150 to 120l/p/d.
- 11.26 The LPA has consulted with Somerset Ecology Services on the proposed mitigation strategy and their comments are included within this report. The LPA must have regard to these consultation responses in carrying out the Appropriate Assessment (Regulation 63(3)). In summary, Somerset Ecology Services has reviewed the applicants mitigation proposals and is satisfied with the approach and conclusions. SES has subsequently concluded through the Habitat

Regulations Assessment that the Appropriate Assessment is passed. It is noted that Natural England also concur with the findings.

- 11.27 As such, subject to securing the implementation and maintenance of the mitigation strategy through planning conditions it is considered that the proposed development will not adversely effect on the integrity of the Ramsar Site (Regulation 63(5)).

Drainage and Flood Risk

- 11.28 The application is sited within Flood Zone 1, so is within the area of the lowest level of flood risk. A small part of the site is recognised as having a 1 in 1000 chance of flooding from surface water flooding. No further built form is proposed. Instead, as a result of the removal of a number of other buildings the built footprint of the overall site would be reduced.
- 11.29 Notwithstanding the comments made by the Parish Council and contained within the representation received, it is considered that the current proposal does not conflict with Policy EQ1 and relevant guidance within the NPPF as the site is in a low flood risk. Similarly, measures to ensure adequate water drainage within minor planning applications are generally considered post development through building regulations.

Residential Amenity - Impacts on Existing and Future Residents

- 11.30 The proposed siting, scale, height, design and appearance of the buildings to be converted, coupled with the relationship with existing properties would not result in any substantive harm to neighbour amenity in terms of significant and unacceptable dominance, overshadowing, overlooking, loss of privacy and loss of outlook.
- 11.31 The proposed development is considered to provide sufficient amenity space for future occupiers.
- 11.32 The proposal would be considered in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

12 Other Matters

- 12.1 Within the closing statement of the Parish Council representation, it notes that the existing local power network is overstretched and could

be further impacted by this proposal. Nevertheless, this is not a material planning consideration and will be dealt with by other legislation.

13 Planning Balance and Conclusion

- 13.1 The proposal would see the conversion of a number of existing redundant historic barns into 5 dwellings. The principal of conversion is supported and is considered to provide a viable reuse of the heritage assets that are currently empty and prone to dereliction without further investment, whilst helping to address the five-year shortfall of deliverable housing.
- 13.2 It is considered that the proposed development represents an appropriate conversion, utilising existing openings where possible and retaining the agrarian nature of the buildings, allowing the development to read as a former farmstead. Similarly, the wider redevelopment of the site would see the removal of further large agricultural buildings and therefore enhancing the setting of heritage assets. The Conservation Officer has been consulted and has raised no concerns subject to a number of conditions securing details.
- 13.3 Ultimately, the proposed development is considered to be acceptable in principle and would not result in harm to the setting of the neighbouring Listed Buildings nor harm to the surrounding area. Similarly, the proposal would not cause demonstrable harm to residential amenity, highway safety, biodiversity or other environmental concerns in accordance with policies SD1, SS1, SS4, SS5, EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework 2024.

RECOMMENDATIONS

That the application be approved subject to the stated planning conditions for the following reason:

The proposed development is considered to be acceptable in principle and would not result in harm to the setting of the neighbouring Listed Buildings nor harm to the surrounding area. Similarly, the proposal would not cause demonstrable harm to residential amenity, highway safety, biodiversity or other environmental concerns in accordance with policies SD1, SS1, SS4, SS5, EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework 2024.

1)The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990

2)The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

MFL-PL-01 Site/Block/Roof Plan

MFL-BB-PL-01 Barn B Location, Site and Roof Plan

MFL-F-PL-02 Barn F Proposed Floor Plan and Elevations

MFL-CDE-PL-02a Barn C,D,E Proposed Floor Plan

MFL-CDE-PL-03a Barn C,D,E Proposed Elevations And Section

Reason: For the avoidance of doubt and in the interests of proper planning.

3)Prior to work commencing, the details of works required under building regulations that have potential to restrict permeability of original fabric, increase the risk of interstitial condensation or embed original features behind modern materials are to be submitted and agreed in writing by the local planning authority. Once approved, the development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition as inadequate details of these matters have been submitted with the application to assess the implications of works required under building regulations. The condition ensures the suitability of such works and that they preserve the special architectural and historic interest of the listed building.

4)Before the new roof(s) hereby approved is/are installed, samples or detailed specifications of the new roof tiles/slates, which shall be natural clay non-interlocking pantiles/natural slates/plain clay tiles/rosemary tiles, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building

5)Before the roof lights ,windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

6)Before the rainwater goods hereby granted consent are installed, samples or detailed specifications of all rainwater goods (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed rainwater goods details.

Reason: To preserve the special architectural and historic interest of the listed building

7) Prior to the commencement of works, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works which comprehensively addresses the conserving of original textures, mortars retained and external appearance.

Reason: To preserve the special architectural and historic interest of the listed building.

8) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest.

9) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period.

The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle off site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: The agreement of details of a Construction Environmental Management Plan and details for the prevention of pollution prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection, including prevention of pollution to the water environment; to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; and in the interests of highway safety during the construction process, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

10) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity.

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

11) Prior to commencement of first occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition in perpetuity.

Reason: In the interests of highway safety, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

12) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF

13) The development hereby permitted shall not be occupied until the relevant number of parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

14) Before the development is occupied or utilised the electric vehicle charging points and parking bays shown on the submitted plans must have been constructed. Thereafter, they must be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

15) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (e) Part 1, Class G (chimney, flues, soil or vent pipes);
- (f) Part 2, Class A (gates, fences, walls or other means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or alterations to the dwellings, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

16) Where external lighting is to be installed, prior to construction above damp-proof course level, lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key & supporting features or habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

17) Works likely to result in an offence under the Conservation of Habitats and Species Regulations 2017 (as amended) shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

1. a copy of the licence issued by Natural England authorising the development to go ahead; or
2. a statement of justification in writing from the licensed ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

Toolbox

18) Works will not in any circumstances commence until:

1. Construction/demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats.
2. To provide suitable alternative roosting location and to accommodate any discovered bat(s) 2 no. bat box(es), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter.
3. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: The strict protection of EPS in accordance with the Conservation of Habitats and Species Regulations (as amended) and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

19) No building work or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: To protect nesting birds and prevent ecological harm in accordance with policy EQ4 of the South Somerset District Council Local Plan. Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended).

20) A Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation of the development: The content of the BEMP shall include the following:

1. At least 3 additional bat roosting features installed at least four metres above ground level and away from windows, on the south and/or west facing elevations and maintained thereafter.

2. At least 5 integrated bird boxes (such as a swift brick or sparrow terrace) directly under the eaves and away from windows on the north and/or east elevations and maintained thereafter. These can be clustered if they are installed 60cm apart.
3. A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out the National Planning Policy Framework.

21) No occupation shall commence until a Section 106 agreement is in place which will secure the following:

- Provision of evidence that the PTP being used for mitigation has been installed, and the existing septic tank has been decommissioned, prior to occupation of the development, as detailed in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by HalpinRobbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by HalpinRobbins, 09 October 2024.
- Provision of a management and monitoring plan for the PTP being used as mitigation – this should show that the PTP will be maintained in perpetuity (80-125years)
- Provision of evidence that the PTP(s) being installed to serve the development is installed as detailed in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by HalpinRobbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by HalpinRobbins, 09 October 2024.
- Provision of a management and monitoring plan for the PTP(s) being installed to serve the development - this should show that the PTP(s) will be maintained in perpetuity (80-125years)
- Provision of an implementation, management and monitoring plan for the water saving devices being installed in the Farmhouse to ensure that the water usage is brought down to 120l/p/d, as described in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by HalpinRobbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by HalpinRobbins, 09 October 2024. This should show that the water saving devices will be maintained in perpetuity (80-125years) and replaced when needed.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity and Chapter 15 of the National Planning Policy Framework.

22) The dwellings hereby approved shall not be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with Chapter 15 of the National Planning Policy Framework.

23) Prior to progression of any part of the development hereby permitted above damp proof coursing, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- b) All proposed hardstanding and boundary treatment, including details of any gates/walls/fences.

All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants, including existing vegetation to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping (including details of the access) details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: To ensure the landscaping is of a high quality in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Informatives

1. Protected Species

- The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 (as amended). In the unlikely event that bats are encountered during implementation of this permission works must stop and advice must be sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
- The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds encountered during implementation of this permission works must stop and advice must be sought from a suitably qualified and experienced ecologist at the earliest possible opportunity. The nest must remain in situ until all young have fledged.
- The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers

are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.

2. Public Rights of Way

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset Council (SC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-travel-and-parking/apply-for-the-temporary-closure-of-a-right-of-way/>

3.CIL

Please be advised that approval of this application by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South

You are advised to visit our website for further details.